

Appl. No. 10/650,210

Reply to Office action of December 3, 2004

Docket. No.: GP-302391

REMARKS

In the December 3, 2004 Office Action, claims 1-16 were rejected, and claims 17-20 were deemed objectionable. This Response amends claims 6 and 12 to correct typographical and/or grammatical errors and without altering the scope of the claims. After entry of the foregoing amendments, claims 1-20 (20 total claims; 2 independent claims) remain pending in the application. Reconsideration of the application is respectfully requested in view of the above amendments and the following remarks.

Iwanami et al.

As a preliminary matter, the Office Action indicates that the Rule 1.131 affidavit filed on November 12, 2004 is sufficient to overcome the Ieda et al. reference. Applicant assumes that the Examiner intended to confirm that the Rule 1.131 affidavit is sufficient to overcome the Iwanami et al. reference rather than the Ieda et al. reference, which was cited in the December 3, 2004 Office Action.

§103 Rejection

Claims 1-9 and 11-15 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Mohrmann et al., U.S. Pat. No. 6,543,243 (hereinafter "Mohrmann") in view of Irie et al., U.S. Pat. No. 6,375,436 (hereinafter "Irie"). Claims 10 and 15 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Mohrmann in view of Irie, and further in view of Ieda et al., U.S. Pat. No. 6,675,597 (hereinafter "Ieda"). Applicant respectfully traverses these rejections.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation to modify a reference or to combine the teachings of multiple references. Second, there must be a reasonable expectation of success. Third, the prior art must teach or suggest all of the recited claim limitations. Of course, the teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in Applicant's disclosure. Applicant respectfully submits that the Examiner has not met all of the above criteria.

Mohrmann generally discloses a hybrid air conditioning system having an engine driven compressor and an independent electric motor driven compressor. The Office Action acknowledges that Mohrmann does not disclose the use of a single compressor for the air conditioning system. The Office Action concludes, however, that it would have been obvious

Appl. No. 10/650,210

Reply to Office action of December 3, 2004

Docket No.: GP-302391

"to substitute, for the dual compressors of Mohrmann et al., a single compressor driven by two drives, as taught in Irie et al., for the purpose of simplifying the construction of the system." Applicant disagrees with this conclusion.

It is clear that the system disclosed by Mohrmann is specifically intended as an alternative to a system that employs a single compressor. For example, Mohrmann expressly states that the system includes an engine driven compressor and an independent electric motor driven compressor, and that the two compressors are independently operated (see Mohrmann's Abstract). Mohrmann also addresses the shortcomings of systems that employ a single compressor at Column 1, Line 14 to Column 2, Line 9. In this regard, Mohrmann actually teaches away from the proposed combination of references and one skilled in the art would not be motivated to modify the Mohrmann system as suggested by the Office Action. Indeed, if the Mohrmann system were modified to utilize a single compressor, then it would be rendered inoperable for one of its primary functions, namely, the independent control and operation of an engine driven compressor and the independent control and operation of a motor driven compressor. Consequently, Applicant submits that the prior art contains no reasonable suggestion or motivation to modify Mohrmann as suggested by the Office Action.

For at least the above reasons, claims 1-9 and 11-15 are not unpatentable over Mohrmann in view of Irie. For the same reasons, claims 10 and 15 are not unpatentable over Mohrmann in view of Irie and further in view of Ieda. Accordingly, Applicant respectfully requests withdrawal of the §103 rejections of claims 1-15.

Appl. No. 10/650,210
Reply to Office action of December 3, 2004
Docket. No.: GP-302391

Conclusion

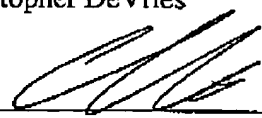
In conclusion, for the reasons given above, all claims now presently in the application are believed allowable. Should the Examiner have any questions or wish to further discuss this application, he is requested to contact the undersigned attorney.

If for some reason Applicant has not requested a sufficient extension and/or has not paid a sufficient fee for this response and/or for the extension necessary to prevent abandonment on this application, please consider this as a request for an extension for the required time period and/or authorization to charge Deposit Account No. 07-0960 for any fee which may be due.

Respectfully submitted,

Christopher DeVries

Dated: 2-3-05

By: 
Reg. No.: 44654
Telephone: 313-665-4969